


**DEPARTMENT OF BUILDING AND DEVELOPMENT**


**COUNTY OF LOUDOUN**

**MEMORANDUM**

DATE: July 22, 2009

TO: Stephen Gardner, Department of Planning, Project Manager

FROM: Todd Taylor, Environmental Review Team 

THROUGH: Gary Clare, Chief Engineer  
William Marsh, Environmental Review Team Leader 

CC: Val Thomas, Zoning Planner  
Kelly Williams, Department of Planning, Community Planner

SUBJECT: **ZMAP-2006-0011 & ZCPA-2006-0003**  
**Stone Ridge Commercial**  
**(2<sup>nd</sup> Submission)**

The Environmental Review Team (ERT) reviewed the revised application and offers the following comments:

1. Although the ZCPA proposal portion of the Statement of Justification was revised with this submission to include information regarding Land Bay 1, the information does not cover the removal of open space corresponding to the southern portion of the tributary that parallels Northstar Boulevard. As shown on sheets 10 and 12, the current proposal allows for a road and lots to impact the stream in this area, which runs counter to River and Stream Corridor Resources Policies 11 and 23 of the Revised General Plan (RGP). Staff does not support this layout change and recommends that the tributary be included as open space, as previously approved, and identified as a tree conservation area to ensure its protection. [RGP River and Stream Corridor Resources Policies 11 and 23]
2. The application has not demonstrated compliance with the "no net loss to wetlands in the County" policy on Page 5-11 of the RGP. The applicant's responses state that required mitigation for wetland and stream impacts are subject to contractual obligations. Please identify the location of the mitigation and provide a copy of the approved wetland permit, authorizing the impacts. If mitigation is proposed outside of Loudoun County, staff recommends that the permit be modified to provide mitigation within Loudoun County. A permit modification will likely be required to account for changes proposed as part of this application. Staff continues to recommend that the applicant commit to prioritizing mitigation as follows: 1)

onsite, 2) within the Broad Run Watershed within the same Planning Policy Area, 3) within the Broad Run Watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the U.S. Army Corps of Engineers (Corps) and the Virginia Department of Environmental Quality (DEQ).

3. With this submission, the tree conservation area located along the western side of landbays 7 and 8, adjacent to the stream, has been removed from the rezoning plan set. To better protect the stream corridor, including adjacent steep slopes, and to demonstrate consistency with the River and Stream Corridor Policies, please depict this area as a tree conservation area. As stated on Page 5-32 of the RGP, "riparian forests along streams provide the greatest single protection of water quality by filtering pollutants from stormwater runoff, decreasing stream bank erosion, and maintaining the physical, chemical, and biological condition of the stream environment". [RGP Forests, Trees, and Vegetation text on Page 5-32]
4. Existing Proffer VI.A does not adequately protect steep slopes and the stream corridor as it relates to the construction of proposed Millstream Drive. Staff recommends that the applicant commit to: 1) no land disturbing activities within the River and Stream Corridor 50-foot management buffer; and 2) for all land disturbing activities on moderately steep slopes outside of the 50-foot management buffer, strict erosion and sediment control practices such as super silt fence for all silt fence application; stabilization matting; and phasing development to avoid extensive areas of disturbance for extended periods of time. [RGP Steep Slope and Moderately Steep Slope Policy 3]
5. To demonstrate compliance with the Steep Slope Standards in Section 5-1508 of the Revised 1993 LCZO, please update sheets 4-13 with the current LOGIS steep slopes layer. Alternative steep slope depictions should only be provided when based on more detailed topographic information (i.e. 2-foot topography). [ZCPA Checklist Item J.3 and Revised 1993 LCZO 6-407(A)(3)]
6. Two small areas, located along the north side of South Point Drive, have been identified as tree conservation areas on sheets 5, 11, and 13. However, it is difficult to determine whether the proposed tree conservations areas correspond to the mature oak trees staff recommended for preservation. To better illustrate the location of the proposed tree conservation areas in relation to existing vegetation, please provide the current Loudoun County Geographic Information System (LOGIS) forest cover layer on sheets 4-7 and 10-13. The forest cover currently depicted on the plan set does not reflect existing conditions in the area of South Point Drive. Attachment A depicts the approximate location of the mature oak trees. As previously stated, the tree conservation areas should include a suitable width to avoid impacting the oak trees' critical root zone (CRZ). Maintaining tree cover in this area will help to offset loss tree cover in other areas caused by this application. [RGP Forest, Trees, and Vegetation Policy 1 and Revised 1993 LCZO Section 6-1211(E)(9)]

7. The statement of justification refers to mature trees that will screen the light-industrial area proposed along Millstream Drive from the residential uses. Staff recommends that the mature trees be identified as a tree conservation area(s) on the concept development plan (CDP). [RGP Forest, Trees, and Vegetation Policy 1 and Revised 1993 LCZO Section 6-1211(E)(9)]
8. This application proposes to revise Proffer VI.G and excludes the "General Tree Protection" and "Long-Term Care" paragraphs that were provided in the existing proffer, approved as part of ZMAP-2002-0013/ZCPA-2002-0004. For clarity and consistency with current applications, staff suggests the following language:

"Within the areas identified on the Concept Development Plan (CDP) as "Tree Conservation Areas," the Owner shall preserve healthy trees provided, however, that trees may be removed to the extent necessary for the construction of trails and Stormwater Management Facilities that are required pursuant to the proffers and/or shown on the approved construction plans and profiles as lying within such Tree Conservation Areas and for the construction of utilities necessary for development of the Property. A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP within will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development."

"If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged during construction and will not survive, then, prior to any subsequent bond release for the Property, the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County."

"The HOA documents shall include a provision that prohibits removal of trees in Tree Conservation Areas as shown on the record plat after construction has been completed by the Owner without specific permission of the County Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without

written approval from the County. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants.”

9. Proposed Proffer VI.G refers to a tree conservation area within the PD-H4 landbay, which is Land Bay 5R. However, the CDP does not include a tree conservation area within that landbay. Also, the tree conservation area, located southwest of Land Bay FF1A is not located within the R-24 landbay limits as described in the proposed proffer. Note that the above suggested language corrects these inconsistencies by removing references to specific landbays.
10. The CDP identifies a tree conservation area corresponding to the existing stormwater management (SWM)/best management practice (BMP) pond located northeast of the library site. Please correct this discrepancy. Attachment A identifies the pond area.
11. The northeastern SWM/BMP facility in Land Bay 1 is located on-line with a jurisdictional stream, which is problematic. On-line SWM/BMP facilities are typically not permitted by the Corps and DEQ. Staff recommends relocating the facility. [RGP River and Stream Corridor Resources Policies 11 and 23]
12. Staff recommends removing the “Proposed HOA Recreation Facility” exclusion, related to the 36-foot buffer yard with 6-foot berm and Type I rear buffer yard plantings, from existing Proffer VI.E, consistent with the notation on sheets 4, 5, and 10-13. Also, existing Proffer VI.E requires the applicant, during the subdivision review process, to engage an acoustical engineer to address compliance with the RGP’s highway noise policies with respect to Route 659 Relocated and Tall Cedars Parkway. Staff recommends that the proffer be revised to commit to a noise study to be submitted to the County for review and that the study be based on the most recent, applicable forecasted traffic volumes available from the Office of Transportation Services and the ultimate design speed of the specified roadways. Staff further recommends that the timing be changed to construction plan or site plan to allow the noise analysis to be based on final topography. [RGP Highway Noise Policies and Revised Countywide Transportation Plan Noise Policies]

Please contact me if you need any additional information.



## ATTACHMENT A

